

STAYED,TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-02641-TSC**

ALMEDA v. UNITED STATES DEPARTMENT OF
EDUCATION et al
Assigned to: Judge Tanya S. Chutkan
Cause: 05:552 Freedom of Information Act

Date Filed: 12/08/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

CELESTINO G. ALMEDA

represented by **Seth A. Watkins**
WATKINS LAW & ADVOCACY, PLLC
1455 Pennsylvania Avenue, NW
Suite 400
Washington, DC 20004
(202) 355-9421
Fax: (202) 355-9424
Email: watkins@wlapllc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES DEPARTMENT OF
EDUCATION**

represented by **Johnny Hillary Walker , III**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2575
Fax: (202) 252-2599
Email: johnny.walker@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Doris Denise Coles-Huff
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2557
Fax: (202) 252-2599
Email: doris.coles@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES DEPARTMENT OF
VETERANS AFFAIRS**

represented by **Johnny Hillary Walker , III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Doris Denise Coles-Huff
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
------------	---	-------------

12/08/2017	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Filing fee \$ 400 receipt number 0090-5239882) filed by CELESTINO G. ALMEDA. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Civil Cover Sheet, # <u>15</u> Summons to U.S. Department of Education, # <u>16</u> Summons to U.S. Department of Veterans Affairs, # <u>17</u> Summons to U.S. Attorney for the District of Columbia, # <u>18</u> Summons to U.S. Attorney General)(Watkins, Seth) (Attachment 14 replaced on 12/12/2017) (zsth). (Entered: 12/08/2017)
12/08/2017	<u>2</u>	NOTICE OF RELATED CASE by CELESTINO G. ALMEDA. Case related to Case No. 17-1497 and 17-2548. (Watkins, Seth) (Entered: 12/08/2017)
12/08/2017		Case Assigned to Judge Colleen Kollar-Kotelly. (zsth) (Entered: 12/12/2017)
12/12/2017	<u>3</u>	SUMMONS (4) Issued Electronically as to UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zsth) (Entered: 12/12/2017)
12/14/2017	<u>4</u>	Case randomly reassigned to Judge Tanya S. Chutkan. Judge Colleen Kollar-Kotelly is no longer assigned to the case. (ztnr) (Entered: 12/14/2017)
12/14/2017	<u>5</u>	NOTICE of Appearance by Johnny Hillary Walker, III on behalf of All Defendants (Walker, Johnny) (Entered: 12/14/2017)
12/14/2017	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/12/2017. Answer due for ALL FEDERAL DEFENDANTS by 1/11/2018. (Attachments: # <u>1</u> Declaration of Seth A. Watkins)(Watkins, Seth) (Entered: 12/14/2017)
12/14/2017	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF EDUCATION served on 12/13/2017 (Attachments: # <u>1</u> Declaration of Seth A. Watkins)(Watkins, Seth) (Entered: 12/14/2017)
12/14/2017	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF VETERANS AFFAIRS served on 12/14/2017 (Attachments: # <u>1</u> Declaration of Seth A. Watkins)(Watkins, Seth) (Entered: 12/14/2017)
12/14/2017	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/14/2017. (Attachments: # <u>1</u> Declaration of Seth A. Watkins)(Watkins, Seth) (Entered: 12/14/2017)
01/12/2018	<u>10</u>	ANSWER to <u>1</u> Complaint by UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES DEPARTMENT OF VETERANS AFFAIRS.(Walker, Johnny) Modified to add link on 1/16/2018 (znmw). (Entered: 01/12/2018)
01/17/2018		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues and that contains a proposed schedule and proposed order not later than 2/9/18. Signed by Judge Tanya S. Chutkan on 1/17/18. (DJS) (Entered: 01/17/2018)
01/22/2018		Set/Reset Deadlines: Joint Status Report due by 2/9/2018. (tb) (Entered: 01/22/2018)
02/09/2018	<u>11</u>	Joint STATUS REPORT and Proposed Schedule by UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES DEPARTMENT OF

		VETERANS AFFAIRS. (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 02/09/2018)
02/13/2018	<u>12</u>	MINUTE ORDER: Having considered the parties' Joint Status Report <u>11</u> , it is hereby ordered that the parties shall file another joint report and proposed order by April 10, 2018. Signed by Judge Tanya S. Chutkan on 2/13/18. (DJS) . (Entered: 02/13/2018)
02/13/2018		Set/Reset Deadlines: Joint Status Report due by 4/10/2018. (tb) (Entered: 02/13/2018)
04/10/2018	<u>13</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES DEPARTMENT OF VETERANS AFFAIRS. (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 04/10/2018)
04/20/2018		MINUTE ORDER: Having considered the parties' joint status report, it is hereby ordered that another joint status report and proposed order are due 5/25/18. Signed by Judge Tanya S. Chutkan on 4/20/18. (DJS) (Entered: 04/20/2018)
04/23/2018		Set/Reset Deadlines: Joint Status Report and proposed order due by 5/25/2018. (tb) (Entered: 04/23/2018)
05/25/2018	<u>14</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES DEPARTMENT OF VETERANS AFFAIRS. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Text of Proposed Order)(Walker, Johnny) (Entered: 05/25/2018)
06/01/2018		MINUTE ORDER: A Status Conference is hereby set for 6/28/18 at 1:45 pm in Courtroom 9. Signed by Judge Tanya S. Chutkan on 6/1/18. (DJS) (Entered: 06/01/2018)
06/01/2018		Set/Reset Hearings: Status Conference set for 6/28/2018 at 01:45 PM in Courtroom 9 before Judge Tanya S. Chutkan. (tb) (Entered: 06/01/2018)
06/28/2018		Minute Entry: Status Conference held on 6/28/2018 before Judge Tanya S. Chutkan: The parties are to meet and confer and file a status report by 7/30/2018, per chance no documents exist, the Court expects agency counsel to be present at the next status conference set for 9/10/2018 at 11:30 AM in Courtroom 9 before Judge Tanya S. Chutkan. (Court Reporter Crystal Pilgrim) (tb) (Entered: 06/28/2018)
07/30/2018	<u>15</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES DEPARTMENT OF VETERANS AFFAIRS. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Pl.'s Ex. 1, # <u>3</u> Pl.'s Ex. 2, # <u>4</u> Pl.'s Ex. 3, # <u>5</u> Pl.'s Ex. 4)(Walker, Johnny) (Entered: 07/30/2018)
08/03/2018	<u>16</u>	<p>TRANSCRIPT OF PROCEEDINGS before Judge Tanya S. Chutkan held on 06/28/18; Page Numbers: 1–18. Date of Issuance:08/03/18. Court Reporter/Transcriber Crystal M. Pilgrim, Telephone number 202.354.3127, Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 8/24/2018. Redacted Transcript Deadline set for 9/3/2018. Release of Transcript Restriction set for 11/1/2018.(Pilgrim, Crystal) (Entered: 08/03/2018)</p>
09/05/2018	<u>17</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES DEPARTMENT OF VETERANS AFFAIRS. (Attachments: # <u>1</u> Pl.'s Ex. 1, # <u>2</u> Pl.'s Ex. 2, # <u>3</u> Pl.'s Ex. 3, # <u>4</u> Pl.'s Ex. 4)(Walker, Johnny) (Entered: 09/05/2018)

09/07/2018	<u>18</u>	Supplemental STATUS REPORT by CELESTINO G. ALMEDA. (Attachments: # <u>1</u> Exhibit 5)(Watkins, Seth) (Entered: 09/07/2018)
09/10/2018		Minute Entry: Status Conference held on 9/10/2018 before Judge Tanya S. Chutkan: The government shall file declaration regarding email retention policy and search procedures by 10/20/2018. (Court Reporter Bryan Wayne) (tb) (Entered: 09/11/2018)
09/17/2018	<u>19</u>	<p>TRANSCRIPT OF 9/10/18 STATUS HEARING before Judge Tanya S. Chutkan held on September 10, 2018. Page Numbers: 1–16. Date of Issuance: September 17, 2018. Court Reporter: Bryan A. Wayne. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 10/8/2018. Redacted Transcript Deadline set for 10/18/2018. Release of Transcript Restriction set for 12/16/2018.(Wayne, Bryan) (Entered: 09/17/2018)</p>
10/19/2018	<u>20</u>	Consent MOTION for Extension of Time to File <i>Declaration</i> by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 10/19/2018)
10/19/2018		MINUTE ORDER: Granting <u>20</u> Consent Motion for Extension of Deadlines. The Department of Veterans Affairs shall file a declaration regarding the email retention policy and search procedures by November 19, 2018. Signed by Judge Tanya S. Chutkan on 10/19/18. (DJS) (Entered: 10/19/2018)
10/22/2018		Set/Reset Deadlines: Declaration due by 11/19/2018. (tb) (Entered: 10/22/2018)
11/18/2018	<u>21</u>	NOTICE of Compliance with Court Order to File Declarations by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS re Order on Motion for Extension of Time to File, (Attachments: # <u>1</u> Declaration of Mildred Baxter, # <u>2</u> Declaration of Mark Hutchins, # <u>3</u> Declaration of Paulette Maten)(Walker, Johnny) (Entered: 11/18/2018)
11/28/2018		MINUTE ORDER: By 12/20/18 the parties shall file a joint status report and proposed order for moving forward with this case. Signed by Judge Tanya S. Chutkan on 11/28/18. (DJS) (Entered: 11/28/2018)
12/03/2018		Set/Reset Deadlines: Reply due by 12/20/2018. (tb) (Entered: 12/03/2018)
12/20/2018	<u>22</u>	Joint STATUS REPORT by CELESTINO G. ALMEDA. (Attachments: # <u>1</u> Text of Proposed Order)(Watkins, Seth) (Entered: 12/20/2018)
12/20/2018		MINUTE ORDER: Having considered the parties' joint status report <u>22</u> , it is hereby ordered that the parties shall file another joint status and proposed order by January 20, 2019. Signed by Judge Tanya S. Chutkan on 12/20/18. (DJS) (Entered: 12/20/2018)
12/21/2018		Set/Reset Deadlines: Joint Status Report due by 1/20/2019. (tb) (Entered: 12/21/2018)
01/18/2019	<u>23</u>	MOTION to Stay by UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Attachments: # <u>1</u> Text of Proposed Order)(Coles–Huff, Doris) (Entered: 01/18/2019)
01/22/2019		MINUTE ORDER: Granting <u>23</u> Motion to Stay. All Proceedings are hereby STAYED. Defendants' counsel shall notify the Court within FOURTEEN DAYS after Congress has appropriated funds for the Justice Department, and it is further Ordered, that all current deadlines for the parties shall be extended commensurate with the duration of

		the lapse in appropriations. Signed by Judge Tanya S. Chutkan on 1/22/19. (DJS) (Entered: 01/22/2019)
01/29/2019	<u>24</u>	NOTICE of Restored Funding by UNITED STATES DEPARTMENT OF EDUCATION, UNITED STATES DEPARTMENT OF VETERANS AFFAIRS re Order on Motion to Stay, (Walker, Johnny) (Entered: 01/29/2019)
02/25/2019	<u>25</u>	Joint STATUS REPORT by CELESTINO G. ALMEDA. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Text of Proposed Order by Plaintiff, # <u>8</u> Text of Proposed Order by Defendants)(Watkins, Seth) (Entered: 02/25/2019)
02/28/2019		MINUTE ORDER: In view of Defendants' Notice of Restored Government Funding <u>24</u> , the previously imposed stay is hereby lifted. Further, having considered the parties' joint status report <u>25</u> , the parties are hereby directed to file a joint status report discussing, <i>inter alia</i> , a recommendation for further proceedings, on or before March 18, 2019. Signed by Judge Tanya S. Chutkan on 2/28/2019. (lctsc1) (Entered: 02/28/2019)